

Attorney Docket No. A32966-A  
PATENT

### **REMARKS**

Claims 17-30 were pending. Claims 18-19 and 25-26 have been canceled without prejudice to Applicant's right to pursue any canceled subject matter in other applications. Claims 17 and 24 have been amended to incorporate the limitations of 18-19 and 25-26, respectively. As such, no new matter has been introduced by these amendments. Claims 17, 20-24, and 27-30 are pending.

The abstract and specification are objected to with respect to informalities. Applicant has amended the abstract and specification to correct those informalities. As such, Applicant respectfully requests that the objections to the abstract and specification be withdrawn.

### **Rejections Under 35 U.S.C. § 112**

The claims have been rejected as allegedly indefinite under 35 U.S.C. § 112. In response, the claim terms "ratchet" and "ratchet member" have been replaced with the term "clasp." Similar amendments have been made to the specification as suggested by the Examiner. Support for these amendments can be found in the original specification, claims and drawings as originally filed.

Claims 19 and 26 were also rejected as reciting limitations lacking proper antecedent bases. Claims 19 and 26 have been canceled without prejudice. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112 is requested in view of these claim amendments.

Attorney Docket No. A32966-A  
PATENT

**Rejections Under 35 U.S.C. § 103(a)**

The claims have been rejected as allegedly obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 5,887,833 to Sundara et al. ("Sundara") in view of U.S. Patent No. 5,829,585 to Kao et al. ("Kao"), further in view of U.S. Patent No. 3,195,844 to Roepke ("Roepke"), and further in view of U.S. Patent No. 5,451,072 to Weng ("Weng").

The Examiner has properly noted that Sundara fails to teach a clasp slidably installed on the cart support for fixing the bag to the support, as presently claimed. Office Action at p. 7 (Item b). The Examiner has also noted that Sundara fails to teach a bag support stand having wheels mounted on the legs, as presently claimed. Office Action at p. 7 (Item b). Nevertheless, the teachings of Roepke are proffered for the purpose of providing the missing disclosure of the claimed clasp, despite that (as the Examiner admits) the clasp of Roepke telescopes within the hole of the bag support and thus is quite unlike the clasp of the present invention. Applicant respectfully disagrees with the Examiner's conclusion that the differences between the presently claimed clasp and Roepke's clasp is "a mere reversal of the essential working parts of a device." Office Action at p. 7.

In particular, Roepke fails to teach the presently claimed clasp which requires a fixing portion for fixing the clasp at a predetermined position, in which the fixing portion has a hinge shaft, a handle hingedly connected to the hinge shaft, and an eccentric portion integrally formed at one end of the handle, wherein the eccentric portion has a contacting point which is more apart from the center than any other radius of the

Attorney Docket No. A32966-A  
PATENT

eccentric portion. The clasp of Roepke, which telescopes within the hole of the bag support, does not meet the claimed invention. In order to meet each and every element of the present claims, however, the Examiner offers yet another teaching, *i.e.*, Weng, which nevertheless fails to teach at least an eccentric portion integrally formed at one end of the handle as claimed. At that point, the Office Action asserts that the last missing disclosure is within the purview of the person of ordinary skill in the art. Moreover, another reference, *i.e.*, Kao, is proffered for the teaching that is missing in the other cited references: a bag support stand having wheels mounted on the legs. As such, the teachings of four references and the presumed knowledge of one of ordinary skill in the art are combined, assertedly, to finally reach the claimed invention.

Applicant respectfully asserts that by finding bits and pieces of the claimed invention in the prior art and piecing them together to meet the claimed invention, the Examiner has used the Applicant's own disclosure as a blueprint to assemble the cited art, and even then, only concluded that the claimed invention was fully described in the prior art by resorting to the person of ordinary skill in the art to complete the puzzle. Applicant notes that not one of the cited references contains in its disclosure the motivation to combine its teachings with any of the other cited art. None of the cited references refer to any other of the cited art and no suggestion, particular in this crowded art, can reasonably be found within the cited references. This exercise then appears to constitute nothing more than hindsight reconstruction. Accordingly, Applicant respectfully submits that neither Sundara, Roepke, Kao or Weng provide any motivation to combine, and neither singly or together, teach or make obvious the presently claimed invention.

Attorney Docket No. A32966-A  
PATENT

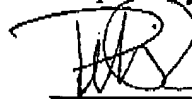
As such, in view of the above amendments and remarks, withdrawal of the rejections of the pending claims under 35 U.S.C. § 103(a) is requested.

**Conclusion**

Applicant respectfully requests reconsideration of the application, and entry of the foregoing remarks into the file history of the above-identified application. Applicant believes that in light of the foregoing amendments and remarks, all pending claims are in condition for allowance and accordingly, respectfully requests withdrawal of the outstanding objections and rejections. An allowance is earnestly sought.

Dated: October 4, 2004

Respectfully submitted,



Peter J. Shen  
PTO Registration No. 52,217

*Attorney for Applicant*  
Baker Botts, LLP  
(212) 408-2595